REMARKS

Claims 1 calls for converting a first audio data stream in a first perceptually based format to a pulse code modulated format. Then the first audio data stream is mixed with a second audio data stream already in the pulse code modulated format. After the two streams are mixed in pulse code modulated format, the first and second streams are encoded in the perceptually based format.

Thus the claims suggest that when you want to mix two streams, one in pulse code modulated format and one in perceptually based format, what you do is convert the perceptually based format to pulse code modulated format, mix the two streams and then convert them back to perceptually based format. The cited reference to Farhangi teaches no such thing. As pointed out by the Examiner, he teaches mixing perceptually based formats. There for he plainly teaches away.

The fact that Bergher teaches an audio decoder that receives AC-3 and MPEG-2 data and decodes them into pulse code modulated formats seems to be irrelevant to the claimed invention. Nothing in Bergher suggests converting perceptually based data to pulse code modulated data, mixing two streams in pulse code modulated format and then converting the mixed stream back to perceptually based format. Since Bergher teaches nothing about how to mix data in diverse formats, it is not seen how Bergher can contribute anything that overcomes the inherent deficiency of Farhangi. In other words, Farhangi teaches away and given that teaching away, it is not seen how using decoder to convert information to pulse code modulated format teaches converting to pulse code modulated format in the specific situation set forth in claim 1.

It is suggested that somehow one would get out of Bergher a rationale to modify the multimedia signal mixing system of Farhangi to implement receiving Dolby AC-3 and MPEG-2 coded data and decode the data back "to allow for recovery to the original pulse code modulated data for use in general multimedia applications as suggested by Bergher to allow for mixing the raw format signals with other raw format signals to produce combined output signals as suggested by Farhangi". But that is the problem, neither Farhangi or Bergher suggests that the way to mix mixed format signals, one perceptual and one pulse code modulated, is to convert them both to pulse code modulated, mix them and then convert them to perceptual.

While the Examiner might argue that Bergher teaches a tool to convert things to pulse code modulated format, he does not teach anything which overcomes the direct teaching away of

Farhangi. Namely Farhangi says mix perceptual based formats. He never faced the problem of two diverse streams. Thus neither Farhangi or Bergher tell you what to do when you have two diverse streams and you want to create a mixed stream in perceptual format.

Similarly uninforming is Alexander which according to the Examiner tells you how to mix PCM data. But of course this still fails to teach what you do when you have PCM data and perceptual data that you want to mix. The combination of all three reference even if there were some rationale to combine them (which there is not) still is totally uninforming.

Therefore reconsideration of the rejection of claim 1 is respectfully requested.

On a similar analysis, the other claims should be in condition for allowance.

Respectfully submitted,

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